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FILED
U.S. DISTRICT COURT
2013 SEP -5 A 10:29
DISTRICT OF UTAH
BY: _____
DEPUTY CLERK

10
11 IN THE UNITED STATES DISTRICT COURT
12 DISTRICT OF UTAH, NORTHERN DIVISION

13 UNITED STATES OF AMERICA,

No. 1:12-CR-00088 RJS

14 Plaintiff,

MOTION FOR ISSUANCE OF
SUBPOENA DUCES TECUM

15 v.

16 NASEER DURANI,

17 Defendant.

Judge Robert J. Shelly

18
19 Camellia Baray, attorney for Defendant Naseer Durani, hereby moves the Court for an
20 order authorizing issuance of Subpoenas Duces Tecum, addressed to the following:

21 Costco
22 c/o CT Corporation Systems
23 818 W. 7th Street, 2nd Floor
24 Los Angeles, CA 90017

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1 requiring the production of the following items:

2 1. Any and all records, pertaining to the Costco cards/accounts issued to
3 Westside Market, Naseer Durani, Jana Roberts and Josh Sturn from January 1, 2008 to
4 January 1, 2011, including, but not limited to: receipts, invoices, monthly statements
5 and any other documents showing purchases made on this account. Documentation
6 identifying whether the purchases were made in cash, by check, or with a debit or credit
7 card should also be included.
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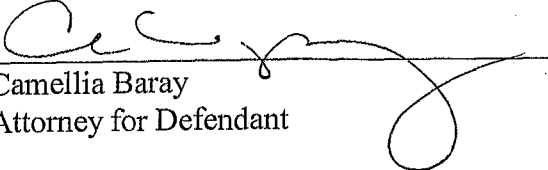
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10 The requested material needs to be provided to the Clerk of the Court, US District Court,
11 District of Utah, 350 South Main Street, Rm. 150, Salt Lake City, Utah 84101.

12
13 The subpoenaed documents are necessary for an adequate defense at trial. Mr. Durani is
14 accused of, among other things, conspiracy to commit wire fraud and money laundering
15 between 2010 - 2012. The government's theory is that Mr. Durani and/or his staff, allowed
16 individuals to purchase non-SNAP authorized goods with SNAP benefits and/or allowed
17 individuals to receive cash back from their accounts in lieu of making authorized purchases.
18 The government is relying on comparisons between Westside Market and other local
19 convenience stores to show that Westside Market had sales that were above average for sales in
20 the area. The government believes it can prove that the excess sales were a result of fraudulent
21 transactions. In order to defend against the accusation and show that Westside Market had
22 higher sales because it offered products for sale in a greater variety and quantity than local
23 convenience stores, the defense requires records documenting the purchases (for resale) Mr.
24 Durani dba Westside Market made during the relevant time period. Jana Roberts and Josh Sturn
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1 also made purchases for Westside Market during this time and may therefore be named in the
2 requests for records as well. Finally, records are requested from 2008-2011 because this is the
3 period in which Mr. Durani was growing his business and the defense believes these records
4 will therefore show increased purchases of inventory over time.
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7 This motion is made under the provisions of Rule 17(c) of the Federal Rules of Criminal
8 Procedure.
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10 DATED this 3rd day of September, 2013

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13 Camellia Baray
14 Attorney for Defendant
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UNITED STATES DISTRICT COURT

CENTRAL

DISTRICT OF

UTAH

UNITED STATES OF AMERICA,
 Plaintiff,
 V.

**SUBPOENA IN A
 CRIMINAL CASE**

NASEER DURANI,
 Defendant.

Case Number: 12-00088-RJS

TO: Costco
 c/o CT Corporation Systems
 818 W. 7th Street, 2nd Floor
 Los Angeles, CA 90017

X YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

PLACE

United States District Court, District of Utah
 350 South Main St., Rm. 150
 Salt Lake City, UT 84101

COURTROOM

DATE AND TIME

September 20, 2013

X YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

True and correct copies of any and all records you have pertaining to purchases made at the Costco store located in Ogden, Utah, in conjunction with the Costco card(s) issued to Westside Market, Naseer Durani, Jana Roberts and Josh Sturn from January 1, 2008 to January 1, 2011, including, but not limited to: receipts, invoices, monthly statements and any other documents showing purchases made on this account. Please provide documentation showing the items purchased using this account, the cost of the items purchased, and whether the purchase was made using cash, check, debit card or credit card.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

DATE

(By) Deputy Clerk

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

PROOF OF SERVICE

RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$ _____
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

ADDITIONAL INFORMATION